

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40232 of 2017

Arising Out of PS.Case No. -62 Year- 2017 Thana -BOCHHA District- MUZAFFARPUR

=====

1. Rajeev Kumar, Son of Late Shiv Shankar Singh, R/o Village- Gopalpur
 Gopal, P.S.- Bochaha, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Amit Kumar-Advocate

For the Opposite Party/s : Mr. Umanath Mishra-A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

04 03-10-2017

Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor.

Victim, a minor, student of J.D. Mother International School while was in a way to his school on 24.04.2017, did not return whereupon informant, his father mother and other family members became perplexed. During course thereof, informant's wife received call from unknown No.7607390430, whereupon ransom appertaining to Rs.7,00,000/- (seven lacs) was demanded for release of the victim, Om Ankur Prajapati. Accordingly, first information report was registered against unknown.

During course of investigation, call details were obtained as is evident from Para-10 of the case diary, wherefrom it has been traced out that the mobile set was issued in favour of one



Bimal Kumar Baua, Flat No.852, Sector-K-Aliganj, Lucknow, wherein SIM was being used, which stood in name of Nirmala Devi, W/o Ganesh Chaudhary of village-Chorasia, P.S. Gaighat, District-Muzaffarpur. Police had approached aforesaid Nirmala Devi, who disclosed that the SIM was being used by her son Ravi Chaudhary, who was residing at the place of Rajiv Kumar of Village-Gopalpur Gopal and was employed by him as a driver. Then police apprehended Ravi Chaudhary as is evident from Para-20 of the case diary and during course of search, mobile set from which ransom was demanded along with other mobile set were recovered and for that, seizure list was prepared. He was interrogated (Para-24), whereunder he made inculpatory extra-judicial confessional statement and further, disclosed that the victim was kept secretly at the old house of Rajiv Kumar and accordingly, raid was conducted and as per Para-26, it is evident that the victim was recovered from a house as pointed out by Ravi Chaudhary. Then thereafter, as per Para-30, petitioner was apprehended and as per Para-31 of the case diary, Bolero Jeep, which was used during course of kidnapping of the victim, was seized. In Para-36, there happens to be statement of the victim under Section 161 of the Cr.P.C. while under Para-47, there happens to be statement of the victim recorded under Section 164



of the Cr.P.C.

Learned counsel for the petitioner has submitted that the case of petitioner stood on similar footing than that of one of the co-accused Sanjay Kumar, who had already been granted bail vide Cr. Misc. No.36846 of 2017. It has also been submitted that co-accused Sunil Kumar has also been granted bail. In the aforesaid background, it has been submitted that petitioner should also be released on bail.

On the other hand, learned Additional Public Prosecutor opposed the prayer and submitted that the case of the petitioner does not fall at par with the case of the co-accused, who have already been granted bail.

Considering the fact that apart from active involvement as per statement of the victim, victim was recovered from his place. Consequent thereupon, prayer for bail is rejected.

(Aditya Kumar Trivedi, J)

Vikash/-

U		T	
---	--	---	--

